

Rec'd 10/23/06
FILED
JAMES BONIN
CLERK

United States District Court

for

06 OCT 24 PM 1:10

Southern District of Ohio

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: **Thomas Dwayne Phelps**Case Number: **1:02CR00126**Name of Sentencing Judicial Officer: **The Honorable Herman J. Weber, United States Senior District Judge**Date of Original Sentence: **March 7, 2003**Original Offense: **Possession of a Firearm by a Convicted Felon**Original Sentence: **33 month(s) prison, 36 month(s) supervised release**Type of Supervision: **Term Of Supv Rel**Date Supervision Commenced: **February 14, 2005**Assistant U.S. Attorney: **Anthony Springer**Defense Attorney: **W. Kelly Johnson**

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue an Order to Appear and Show Cause
☐ To grant an exception to revocation without a hearing.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1	<p>On June 22, 2006, the offender was arrested and charged with Count A: Possession of less than 200 Grams of Marijuana, and Count B: Possession of Illegal Drug Paraphernalia Driver's License Suspension. The case is docketed under Criminal Case # 06B23434 A/B, in the Hamilton County Municipal Court. Details of the offense conduct revealed the offender was stopped during a traffic matter, and a strong odor of marijuana emanated from his vehicle. He also admitted having a marijuana joint on his person. A search of his vehicle produced a scale. The offender said he used the scale to "weigh his weed." On June 23, 2006, he was sentenced on Count A: Possession of Marijuana, to a fine of \$250, and Costs of \$85. On Count B: Possession of Illegal Drug Paraphernalia, the offender's license was suspended for 6 months and he was fined \$250, plus \$85 cost. This writer learned of this charge through an FBI Flash Notice, and subsequent record check. The offender failed to advise of this arrest within 72 hours, as required by his conditions of release.</p>
#2	<p>On July 19, 2006, the offender reported to the Probation Office and submitted a urinalysis which returned positive for Marijuana.</p>

#3

On September 8, 2006, the offender submitted a written monthly supervision report, via the United States Postal Services. On that report, the offender reported no contact with law enforcement officers, nor any arrests or pending charges for the month of June 2006. The report was dated July 4, 2006, and signed by the offender. The offender submitted a monthly supervision report containing false information/statements.

#4

On October 5, 2006, the offender reported to the Probation Office and submitted a urinalysis which returned positive for Marijuana. Additionally, on October 10, 2006, the offender submitted a third urinalysis sample, which returned positive for Marijuana. Both urine specimens reveal the offender attempted to dilute his system to avoid marijuana detection.

U.S. Probation Officer Recommendation:

The term of supervision should be

- ☒ Revoked.
☐ Extended for years, for a total term of years.
☐ Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that
the foregoing is true and correct.

Executed on October 17, 2006

Approved,

by



Michelle Merrett

U.S. Probation Officer



John Cole

Supervising U.S. Probation Officer

Date: October 17, 2006

THE COURT ORDERS:

- ☐ No Action
☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the issuance of a Warrant for his/her arrest.
☒ The Issuance of an Order to Appear and Show Cause
☐ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
☐ Other


Signature of Judicial Officer

Date

10/24/06